

**REMARKS**

The Office Action mailed March 3, 2006, has been carefully considered by Applicant. Reconsideration is respectfully requested in view of the foregoing claim amendments and the remarks that follow.

**Claim Rejections Under 35 U.S.C. §112**

Claims 3, 6 and 8 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. By the present Amendment, claims 3 and 8 are cancelled, thus rendering the rejections regarding these claims moot.

Claim 6 is amended to delete common structural elements recited in claim 4. As such, claim 6 is believed in condition for allowance in accordance with the requirements of §112.

**Claim Rejections Under 35 U.S.C. §102**

Claims 3-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hartung et al U.S. Patent No. 4,322,168. Claims 4-14 have been rejected under 35 U.S.C. §102(b) as being anticipated by Owen U.S. Patent No. 1,753,716. Claims 15 and 16 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fullington et al U.S. Patent No. 4,099,005. Claims 17-20 have been rejected under 35 U.S.C. §102(b) as being anticipated by Kempf et al U.S. Patent No. 5,360,118.

By the present Amendment, claims 3, 8, 10, 13 and 15-20 are cancelled, thus rendering the rejections regarding these claims moot.

Independent claim 4 is amended to more particularly point out and distinctly claim the subject matter of the present invention and render the same allowable over the applied references. More specifically, claim 4 has been amended to state that the second fluid material supplying port is arranged in the shaft member, which is coaxially pivoted within the mixing pipe passage. It is confirmed that such an arrangement provides a more homogenous mixing by agitating and mixing the lightening material from the supply port rotating together with the shaft member with respect to the fluid material circulating

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within a narrow elongated space, such as the pipe mixer, while supplying in a rotating manner. See page 5, lines 14-19. This arrangement and its advantages are neither taught nor suggested by the references cited by the Examiner. Hartung et al '168 teaches a high intensity auger assembly 68. The auger assembly 68 does not include a fluid material supplying port. Owen '716 teaches a shaft 9 which also does not include a fluid material supplying port. Such an arrangement is neither taught nor suggested by Fullington et al '005 nor Kempf '118.

Claims 5-7, 9, 11, 12, 14 and 21-24

Claims 5-7, 9, 11, 12, 14 and 21-24 depend directly or indirectly from claim 4 and are thus believed allowable for the reasons stated above, as well as the detailed subject matter recited therein. Claims 21-24 are newly added and do not constitute new matter.

Conclusion

The present Application is thus believed in condition for allowance. Such action is respectfully requested.

Respectfully submitted,

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